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ABSTRACT

This report summarizes results of initiatives established to achieve goals of the New York State Board of Regents to reform the state's preschool special education program. These goals, consistent with the provisions of the 1997 reauthorization of the Individuals with Disabilities Education Act, view special education as a service to support children's education, rather than a place, and emphasize program accountability, student results, and access to general education. State legislation was enacted in 1996 to amend the preschool special education programs in the following areas: allowance for a second independent pupil evaluation, establishment of a continuum of services from less to more restrictive settings, provision of transportation, transportation costs, a 3-year moratorium on self-contained programs, development of procedures for program reapproval, requirements for business plans by program providers, and development of clinical practice guidelines. The reform initiatives have resulted in dramatic increases in the provision of special education services in integrated settings and improved cost effectiveness. The program served 55,780 preschool students in 1995-96, a 48 percent increase since 1992-93. Additional activities include quality assurance efforts in counties with higher than average numbers of students in separate special class programs. (DB)

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THE STATE EDUCATION DEPARTMENT/THE UNIVERSITY OF THE STATE OF NEW YORK/ALBANY, NY 12234

DEPUTY COMMISSIONER FOR VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES

January 11, 1999

ITEM FOR DISCUSSION (POLICY IMPLEMENTATION)

TO: The Honorable the Members of the Board of Regents Committee on Vocational and Educational Services for Individuals with Disabilities

SUBJECT: Report on Progress in Implementing Reform of Preschool Special Education

In January 1996, the Board of Regents endorsed a number of goals to reform the preschool special education program in New York State. These goals established the foundation for legislative reform with the focus on increasing the integration of preschool students with disabilities in settings with their age-appropriate peers without disabilities in a more cost-effective manner.

The attached report focuses on the results of the initiatives that have been implemented to achieve the goals to reform preschool special education and the issues to be addressed in the future.

Respectfully submitted,

Lawrence C. Gloeckler

Attachment
Approved

Date Jan 19, 1999

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EXECUTIVE SUMMARY

New York State's preschool special education program grew dramatically from 1989 when approximately 18,000 preschool children with disabilities received special education programs and services at a cost of $226 million until 1995-96 when it served 55,730 three- and four-year-old children with disabilities at a cost of $597 million. Approximately three-fourths of these children were served in nonintegrated settings (i.e., a special education setting, hospital, or separate school) in 1994-95. In January 1996, the Board of Regents endorsed six goals to reform the State's preschool special education program. These goals led to the development of a legislative proposal and subsequent legislative action in order to serve more children in integrated settings in a more cost-effective manner. These goals are consistent with the provisions of the 1997 reauthorization of the Individuals with Disabilities Education Act (IDEA) that view special education for children ages three through twenty-one as a service to support children's education, rather than a place, and emphasize program accountability, student results and access to general education.

During the 1996 legislative session, legislation was enacted to amend the preschool special education program. Statutory amendments addressed the following areas:

- **Evaluation** - The Committee on Preschool Special Education can obtain another evaluation prior to placing the child in an approved program operated by the same agency that conducted the initial evaluation.
- **Determination of Services** - A preschool continuum of services from less to more restrictive settings was established.
- **Provision of Transportation** - Parents are encouraged to transport their own children at public expense.
- **Transportation Cost** - Regional ceilings were established on the maximum allowable State reimbursement in consultation with municipalities and Division of the Budget.
- **Program Moratorium** - A three-year moratorium on the approval of self-contained programs was established unless a justification of critical need is provided.
- **Program Reapproval** - The Commissioner is required to develop procedures to periodically review and reapprove programs.
- **Business Plans** - Program providers must submit a business plan redirecting resources and encouraging placements in natural environments.
- **Clinical Practice Guidelines** - The State Education Department is required to develop clinical practice guidelines for appropriate evaluations and provision of services(s).

Consistent with legislation, the reform initiatives have dramatically increased the provision of special education services in integrated settings and improved the cost effectiveness of the program through implementation of business plans; expansion of Special Education Itinerant Teacher Services (SEIT); staff development and training opportunities for parents, school personnel, Committee on Preschool Special Education (CPSE) members and day care providers; and the establishment of a data collection and verification system that provides information on the type of setting in which the child is

receiving special education services and information on the continuum of specific services that are provided to preschool students with disabilities.

Of the seven states serving the greatest number of preschool students with disabilities, based on census data, New York State provides special education services to the largest percentage (5.82%) of preschool students with disabilities. Data from 1992-93 to 1995-96 reflect a continuous growth in the number of preschool students receiving special education programs and services, from 37,715 to 55,730 or a 48 percent increase. Progress has been made in addressing the goal of decreasing transportation costs statewide. Total transportation costs for preschool students with disabilities decreased 35 percent from approximately $133 million in 1993-94 to approximately $87 million in 1995-96.

The 1997-98 data indicate that progress has been made in increasing the percentage of preschool students receiving special education services in integrated settings. However, statewide averages often do not reflect regional and school district-level differences. For example, 459 school districts exceeded the statewide average in their placement of preschool students in integrated settings as compared to 205 school districts that did not.

Additional activities to reform preschool special education are currently under way. Quality assurance efforts will focus on counties and school districts having higher than average numbers of preschool students in separate special class programs and monitor trends in the numbers and placements of preschool students receiving special education services and costs of the preschool special education program.

REPORT ON PROGRESS IN IMPLEMENTING REFORM OF PRESCHOOL SPECIAL EDUCATION

New York State's preschool special education program was redesigned in July 1989 to be in compliance with the Federal requirements of the Individuals with Disabilities Education Act (IDEA). The Department is responsible for assuring that eligible three- and four-year-old students with disabilities are provided a free appropriate public education to meet their individual needs in the least restrictive environment.

In 1994-95, 73.4 percent of identified preschool students with disabilities received special education programs and services in nonintegrated settings (i.e., a special education setting, hospital, or separate school). From 1989-1995, the numbers of three- and four-year-old children identified as having disabilities and the costs of their services increased tremendously. By the 1995-96 school year, 55,730 eligible preschool students were receiving preschool special education services at a cost of $597 million (State and local dollars).

In January 1996, the Board of Regents endorsed the following goals to reform the State's preschool special education program:

- Establish systemwide goals to dramatically increase the provisions of services in integrated settings.
- Increase the number of students who receive related services provided in natural environments.
- Focus the amount of services per child to the level of specific need and, therefore, reduce the overall cost of services per child.
- Reduce the cost of transportation.
- Assist center-based programs to redirect their programs and resources to enable them to diversify their programs and phase out their commitment to maintain large segregated facilities.
- Restructure the programmatic and fiscal responsibilities for the program to guarantee a more integrated approach to the roles of the various State and local government agencies, recognizing that the State has primary funding responsibility.

A number of events have since occurred which impact on the service delivery system for preschool special education. The 1997 reauthorization of the IDEA views special education as a service to support the education of children ages 3 to 21, rather than a place. It also emphasizes program accountability, student results and access to general education. The amended IDEA is consistent with the Board of Regents preschool special education reform goals. Reform of special education, including preschool special education, focuses on the quality of programs, rather than solely on compliance with procedural requirements.

This report summarizes the results of the initiatives that have been implemented to achieve the goals to reform preschool special education and the remaining issues to be addressed.

Results of Reform Initiatives

A number of preschool special education reform initiatives have already dramatically increased the provision of special education services in integrated settings and improved the cost effectiveness of the program. Four of these initiatives are described below.

- Business Plans - All approved preschool special education programs are implementing approved business plans as required by the Legislature as of January 1, 1997. The business plan describes in detail the agency's approach for redirecting fiscal and personnel resources to provide preschool special education programs and services in settings with children who do not have disabilities and reducing the reliance on programs and settings which include only preschool children with disabilities. Programs were requested to propose a redirection of 25 percent of the program's enrollment to settings with age-appropriate peers without disabilities. Department staff were flexible in working with a number of programs that were approved to redirect less than the required 25 percent enrollment level if they were already integrated, small in size, or served a population of students with severe needs. Available data, which are summarized later in the report, indicate that the business plans are having a positive effect on increasing the number of children who receive special education programs and services in settings with their nondisabled peers.

- Special Education Itinerant Teacher Services (SEIT) - To better meet the needs of individual children in a less intensive and more cost-effective manner, the Department encouraged the development of additional SEIT programs. SEIT programs allow flexibility to provide special education services in more integrated environments, i.e., at home or in part-time or full-time typical early childhood programs. Since the 1996-1997 school year, the number of SEIT programs approved by the Department has increased from 208 to 277.

- Staff Development and Parent Training – The Department provided a number of staff development and training opportunities designed to help achieve the goals of preschool special education reform:

  - Department staff conducted statewide training for school district personnel to implement new requirements established by Chapter 474 of the Laws of 1996. During the 1996-1997 school year, more than 2,000 individuals participated in the initial training. An additional 300 representatives of boards of education and Committee on Preschool Special Education (CPSE) chairpersons received follow-up training.

- The Department, in consultation with the State Office of Children and Family Services, produced two video-teleconferences for day care providers to address increasing the provision of services in integrated settings and natural environments. Approximately 4,700 individuals participated in these events.

- The Department conducted training statewide for CPSE chairpersons and municipality representatives during 1997-1998 to develop the necessary competencies and improve the decision making process of the CPSEs. To date, 10 of the 12 scheduled sessions have been conducted with an average of 60 participants per session.

- For the past two years, the Department has funded the Early Childhood Direction Center Network to develop and deliver a parent education series entitled, "The Parent/Child and Professional Partnership Journey through Early Childhood Special Education." The training promotes the placement of children in the least restrictive environment and strives to ensure that parents of preschool children with disabilities have access to information on Federal, State and local policies and procedures regarding preschool and school-age special education services. From April through June 1998, 778 parents were trained. Additional sessions are scheduled for areas of the State that have a high percentage of students placed in separate sites.

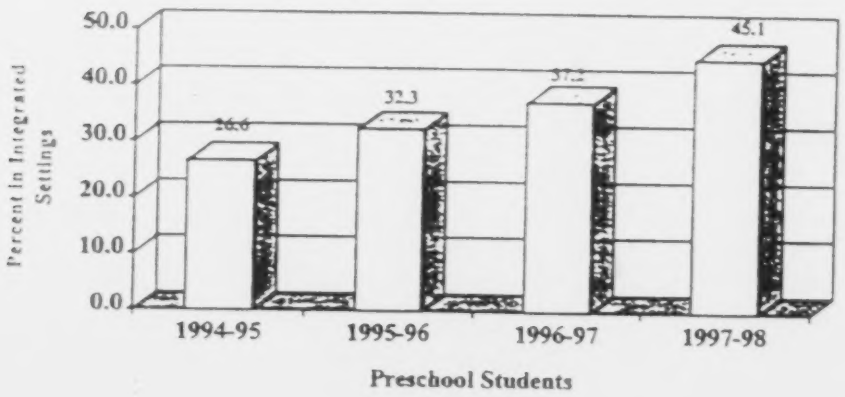
- System to Track and Account for Children (STAC) - We no longer need to rely on data from the System to Track and Account for Children (STAC) to make major policy decisions regarding preschool special education reform. A Department data collection and verification system has been developed that provides information on the type of setting in which the child is receiving special education services and information on the continuum of specific services that are provided to preschool students with disabilities. When the State's current preschool special education program was established, the main source of data regarding the number of children served and the cost of their services was STAC. Although STAC was designed to facilitate the reimbursement process with municipalities, it was also the Department's major source of data on the preschool special education program. Throughout the 1990s, it became apparent that these data were insufficient to provide a clear picture of the extent of integration of preschool students with disabilities, the quality of the services or the benefits of receiving preschool special education. A more accurate data reporting system was needed to ensure a solid factual foundation for evaluating the preschool reform initiatives and direction for change.

Data

Our State served 55,730 preschool students with disabilities in 1995-96. In New York, 5.82 percent of three- and four-year-old children are served through the preschool special education system, the highest percentage of the largest seven states. Illinois serves 4.5 percent and California serves 3.3 percent. Data from 1992-93 to 1995-96 reflect a continuous growth in the number of preschool students receiving special education programs and services, from 37,715 to 55,730 or a 48 percent increase. The total transportation cost for preschool students with disabilities statewide has also decreased from approximately $133 million in 1993-94 to $87 million in 1995-96, a 35 percent decrease.

In 1994-95, as part of its Strategic Plan, the Office of Vocational and Education Services for Individuals with Disabilities (VESID) established a Key Performance Indicator (KPI) to increase the percentage of preschool students with disabilities receiving special education services in settings that include nondisabled children. The 1997-98 data indicates that 45.1 percent of preschool students were provided special education services at home or in typical early childhood education programs as compared to 26.6% in 1994-95. This is a result of implementation of the business plan requirement during the 1997-98 school year. (See chart below.)

Integration of Preschool Students with Disabilities



Integrated settings for preschool students with disabilities are defined as special education services provided at home, or part-time or full-time in typical early childhood programs.

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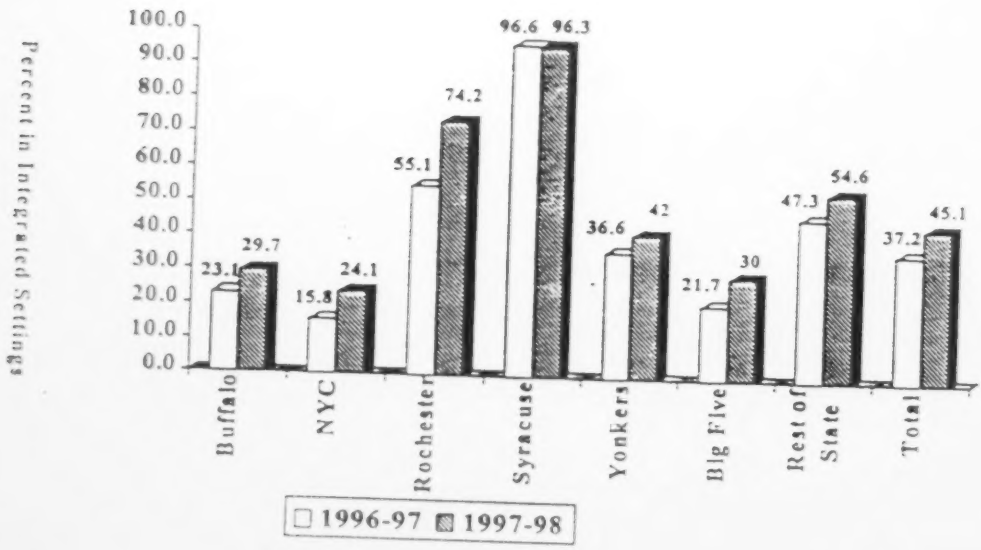
Data for the Big Five Cities in New York State were compared individually and in aggregate to the rest of the State for the 1996-97 and 1997-98 school years. One-third of all preschool students with disabilities in New York State are being served in New York City. However, in 1997-98, of the Big Five Cities, New York City reported the smallest percentage of preschool students served in integrated settings (24.1 percent). (See chart below.)

Similarly, the second largest city in New York State, Buffalo, had the second lowest rate of the Big Five Cities in serving preschool students with disabilities in integrated settings (29.7 percent). Almost every one of the Big Five Cities increased its number of preschool children served in integrated settings from December 1, 1996 to December 1, 1997. Syracuse served 96 percent of its preschool students with disabilities in integrated settings during the 1996-97 and the 1997-98 school years. (See chart below.)

Integration of Preschool Students with Disabilities
1996-97 and 1997-98
Big Five Cities



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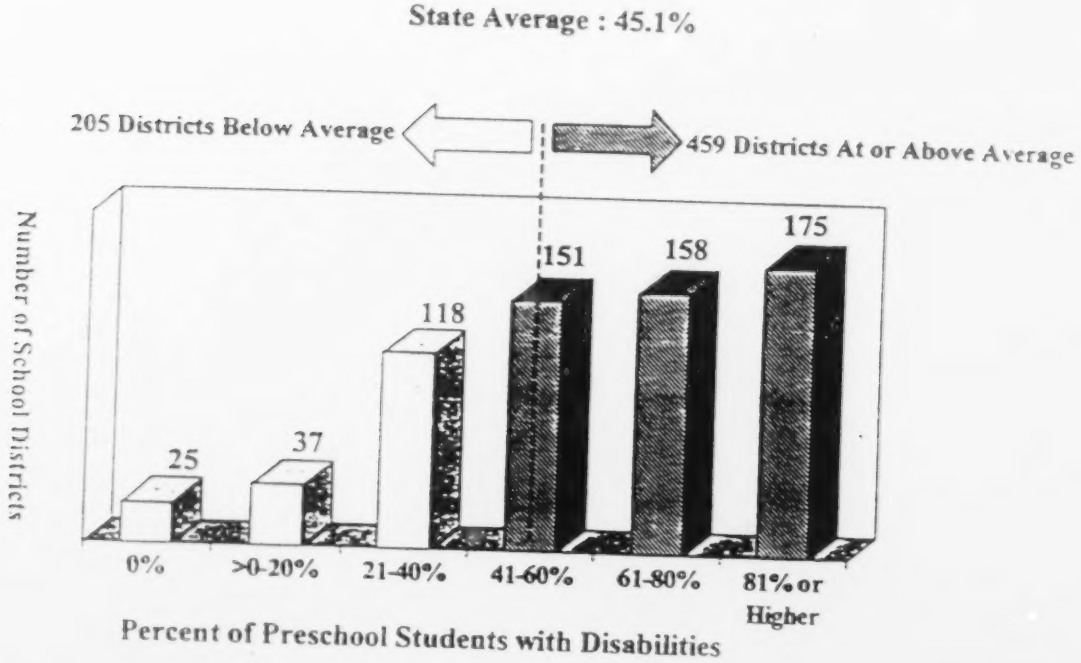
Statewide averages often do not reflect regional and school district-level differences. There are differences among school districts in the extent to which preschool students with disabilities are provided services in integrated settings. For example, 459 school districts placed 45.1 percent (the State average) or more of their preschool students in integrated settings, compared to 205 school districts that placed less than 45.1 percent of their preschool students with disabilities in integrated settings. (See chart below.)

School Districts Placing Preschool Students in Integrated Settings
December 1, 1997



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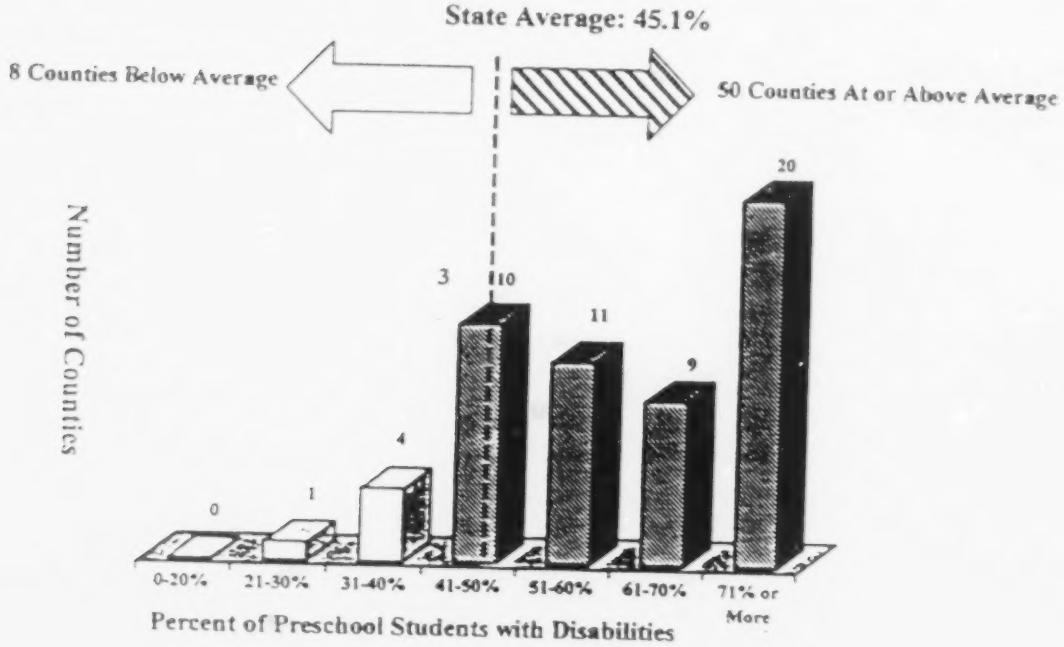
Nearly 51 percent of counties meet or exceed the statewide average (45.1 percent) for serving preschool students with disabilities in integrated settings. December 1, 1997 data reflect that in 50 of 58 counties, with the boroughs of New York City reported as a single municipality, at least 45.1 percent or more of preschool students with disabilities were served in integrated settings. This includes 20 counties in which 71 percent or more of these students were being served in integrated settings. Only eight counties had less than 45.1 percent placed in integrated settings. (See chart below.)

Preschool Students with Disabilities Placed in Integrated Settings in the Municipalities of New York State on December 1, 1997



In 1998, for the first time, data are available on the placement of preschool students with disabilities within the State's continuum of services. These data will help us more discreetly track the types of services provided to students with disabilities. These data provide baseline information to track further effects of the Department's preschool special education reform efforts.

From July 1997 to June 1998, more than half (54.2 percent) of preschool students with disabilities were provided related services, SEIT services, or special class in integrated settings. In 349 school districts, 71 percent or more of identified preschool students with disabilities were provided these services (significantly above the statewide average). (See chart below.)

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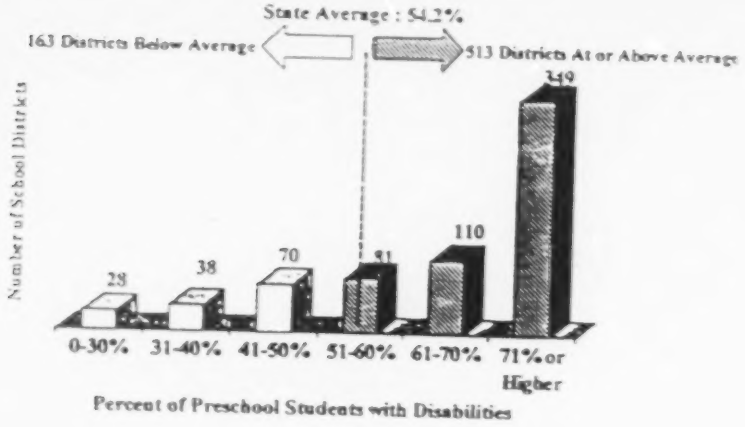
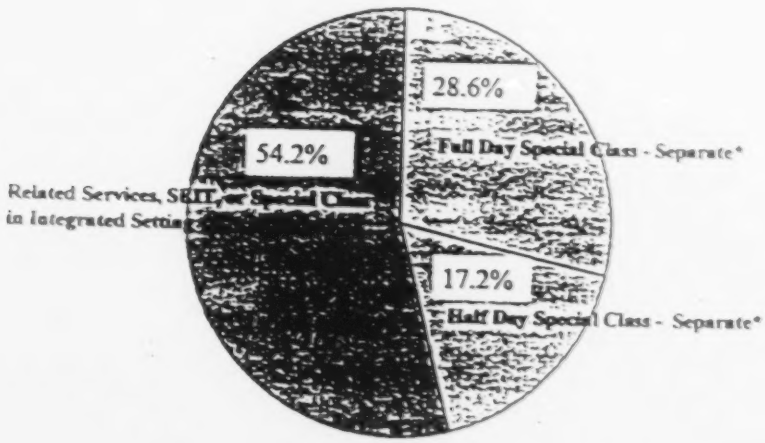
School District Placements in Related Services, SEIT, or Special Classes in Integrated Settings, July 1, 1997 - June 30, 1998



During 1997-98, 45.8 percent of preschool students received special class services in nonintegrated settings. 28.6 percent were in full-day special classes, while 17.2 percent were in half-day special classes. (See chart below.)

Placement of Preschool Students with Disabilities
July 1, 1997 to June 30, 1998



*45.8 percent of preschool students with disabilities received services in separate special class programs.

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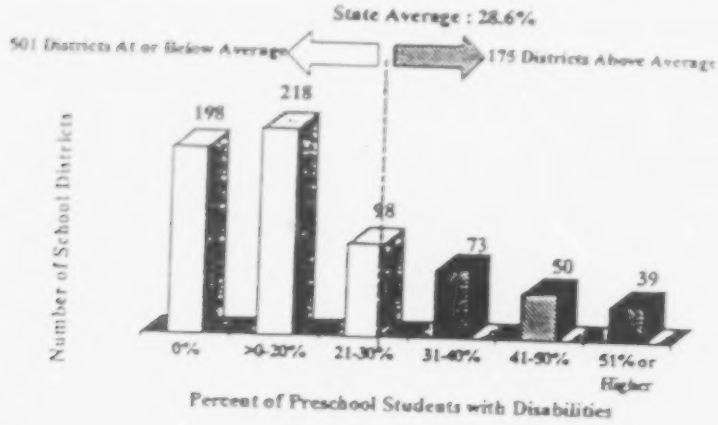
On average, school districts placed 28.6 percent of preschool students with disabilities in full-day special classes in nonintegrated programs. 501 school districts were below the average in terms of placing preschool students in full-day separate special class programs while 175 exceeded the average. Only thirty-nine districts statewide placed 51 percent or more of preschool students with disabilities in full-day special classes in nonintegrated settings. (See chart below.)

School Districts Placing Preschool Students in Full Day Special Classes in Nonintegrated Settings, July 1, 1997 - June 30, 1998



Additional Reform Activities

Additional activities to reform preschool special education are under way but their benefit is not yet fully known. During the coming year, data will be gathered to assess their impact on reforming preschool special education.

- Clinical Practice Guidelines - In October 1998, the Department disseminated a Request for Proposals (RFP) to field test the "Draft Guidelines for Determining the Eligibility and Special Education Services for Preschool Students with Disabilities." The clinical practice guidelines will assist evaluators in appropriate assessment and Committees on Preschool Special Education in developing recommendations with respect to the type, frequency and duration of services consistent with the goal of only providing services to address the specific needs of the child, and related services in more natural environments. The project will be evaluated based upon whether or not the guidelines have an effect on key performance indicators and include follow-up with school districts to determine if greater numbers of children are placed in the least restrictive environment as a result of using the guidelines.

- Prekindergarten - VESID is collaborating with the Department's Office of Child, Family and Community Services to increase the number of preschool students with

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disabilities enrolled in State-funded experimental and Universal Prekindergarten programs. Sixty-six school districts have applied for approval to receive State funding for Universal Prekindergarten programs. Twenty-seven of the 66 districts indicated that they will collaborate with Department-approved preschool programs for students with disabilities. The extent of this collaboration or the number of students with disabilities enrolled in Universal Prekindergarten is unknown at this time. A survey is being developed to determine the number of preschool students with disabilities who receive special education programs and services in conjunction with enrollment in a school district's prekindergarten program(s). Suggestions have also been provided to amend the Bureau of Educational Data Services (BEDS) form to include similar information in the 1999-2000 school year.

- Quality Performance Indicators and a Longitudinal Study - In an effort to increase the accountability of preschool special education providers, the Department is preparing RFPs to identify valid indicators of positive results for preschool students with disabilities and determine the long-term effect of preschool special education programs and services.

- Quality Assurance for Approved Preschool Special Education Programs - Ten approved preschool special education programs have been selected this school year to pilot the Preschool Special Education Quality Assurance Collaborative Review Process. The new Quality Assurance system replaces strict procedural compliance monitoring with program accountability and outcomes of students who participate in the programs. This new approach relies on the work of a collaborative team and may be used as a self-monitoring tool by approved programs.

- Refinement of Rate-Setting Methodology to Ensure a More Integrated and Cost-Effective Program - During 1997-1998, the Preschool Reimbursement Reform Work Group was established to provide the State with input regarding a potential new rate setting methodology for approved preschool special education programs. During October 1998, statewide information sessions were conducted to describe and clarify the proposed revised rate setting methodology, draft regulations and illustrative rates. Following review of a fiscal analysis template to be completed by providers, the Department will have the information on the potential impact of the regional rates to propose revisions to the Regulations.

Future Directions

- Focus quality assurance reviews in counties and school districts which have higher placements than the State average of preschool students in separate special class programs.

- Take necessary steps to assure the integration of the existing preschool special education system with the emerging universal prekindergarten program.

- VESID staff and Office of Counsel will determine whether additional legislative amendments are required to further reform the State's preschool special education program. In the short term, the Department needs to determine whether or not to request a legislative amendment to renew the moratorium on the approval of new or expanded special class programs which expires July 1, 1999. Additionally, a determination by the Department is needed as to whether or not to request a legislative amendment to renew or extend the business plan requirement for approved preschool special education programs beyond the 1999-2000 school year.

- Monitor data on the number of preschool students served to determine if the number continues to increase and if there is a shift in the placement of students within the continuum of services.

- Concerns continue to be raised by stakeholders about the cost of the program. Cost data will be examined to determine if there is a trend of decreased costs per child.